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BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
JEROME A. LANE,)
)
Complainant,)
)
vs.) No. 06-0343
)
COMMONWEALTH EDISON COMPANY,)
)
Respondent.)
)
)
)
Chicago, Illinois
June 1st, 2006

1 Met, pursuant to notice, at 10:00 a.m.

2

3 BEFORE:

4

5 MS. EVE MORAN, Administrative Law Judge

6

7 APPEARANCES:

8

9 MR. JEROME A. LANE

10 3408 South Giles

11 Chicago, Illinois 60202

12 312-842-0461

13 appearing pro se;

14

15 MR. MARK L. GOLDSTEIN

16 108 Wilmot Road

17 Suite 330

18 Deerfield, IL 60015

19 (847) 580-5480

20 appearing for respondent;

21

22

1 ALSO PRESENT:

2

3 MR. JOHN PARISE, employee

4 appearing telephonically for Com Ed.

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Witnesses: Direct Cross direct cross Examiner

(None)

E X H I B I T S

Number For Identification In Evidence

(None)

1 JUDGE MORAN: Okay. Pursuant to the
2 direction of the Illinois Commerce Commission, I call
3 Docket 06-0343. This is Jerome A. Lane versus
4 Commonwealth Edison Company. It is a complaint as to
5 billing slash charges in Chicago, Illinois.

6 May I have the appearances for the
7 record, please. Mr. Lane, at this point I'm going to
8 ask you to give your name, address and telephone
9 number.

10 MR. JEROME LANE: My name is Jerome Lane. I
11 reside at 3408 South Giles, Chicago, Illinois 60616
12 My telephone number is area code 312-842-0165.

13 JUDGE MORAN: And Mr. Lane is appearing pro se.
14 For the respondent.

15 MR. GOLDSTEIN: On behalf of Commonwealth
16 Edison Company, Mark L. Goldstein, 108 Wilmot Road,
17 Suite 330, Deerfield, IL 60015. My telephone number
18 is 847-580-5480.

19 And by telephone we have with us, John
20 Parise, of Commonwealth Edison.

21 JUDGE MORAN: Very good. At this time, this is
22 the first opportunity, I believe, that everybody has

1 been together in one room.

2 I would propose that the parties
3 discuss the matter outside my presence, if that's
4 okay.

5 MR. JOHN PARISE: That's fine, Judge.

6 JUDGE MORAN: All right. Thank you. With that
7 we're going to go off the record. I will leave the
8 room, and the parties will discuss the case and try
9 to narrow the issues.

10 MR. GOLDSTEIN: Thank you.

11 JUDGE MORAN: Thank you.

12 (Whereupon, a discussion was had
13 off the record.)

14 JUDGE MORAN: Okay. Let's go on the record.

15 MR. GOLDSTEIN: And I'd like to explain where I
16 believe the case is at.

17 JUDGE MORAN: Sure.

18 MR. GOLDSTEIN: And, of course, Mr. Lane can
19 correct me for any errors in my narration.

20 As I understood his complaint,
21 Mr. Lane is complaining that for approximately a
22 6-month period, he never received a bill, and then

1 when the bill came, lo and behold, it was in the 12-
2 to \$1,400 range for six or seven months of usage.

3 That's part one of his complaint.

4 JUDGE MORAN: Okay.

5 MR. GOLDSTEIN: Part two of his complaint, is
6 that there was a power surge at his property, and as
7 a result of the power surge, some of his electric
8 appliances surged out and really are not useful
9 anymore.

10 And in so far as that part of the
11 complaint is concerned, there is obviously a
12 complaint procedure form when there are problems with
13 the power surges and so forth, and that procedure
14 under 16-125 of the Public Utilities Act is outside
15 of the formal complaint procedure of the Commission.

16 I suggested to Mr. Lane that he obtain
17 the proper complaint forms for that from Commonwealth
18 Edison. There's a review process with respect to
19 problems such as power surges and loss of appliances
20 and food and so forth.

21 And Mr. Lane -- I'm not sure whether
22 he could avail himself of this or not because the

1 surge took place approximately two years ago. So I
2 don't know exactly how --

3 MR. JEROME LANE: And may I add, during that
4 time, when it happened --

5 JUDGE MORAN: Mm-hmm.

6 MR. JEROME LANE: I asked -- I reported the
7 issue to Com Ed, and the customer service rep said,
8 They were not responsible for that.

9 And I had to provide surge protectors
10 myself, and I was totally responsible for that. I
11 called them and asked, you know, what process I had
12 to go through, and that's the result that they gave
13 me.

14 And when I never received any bill
15 from that, you know, I just went along -- I replaced
16 my dishwasher, and my microwave myself --

17 MR. GOLDSTEIN: Well --

18 MR. JEROME LANE: -- because I thought it was my
19 responsibility. And then six months later, Com Ed
20 comes in and read my meter again -- of which they
21 read it in July of 2004.

22 JUDGE MORAN: Mm-hmm.

1 MR. JEROME LANE: They claim they went through
2 and all the forced estimates, they washed those out
3 and recalibrated my bill, but I never received that
4 bill.

5 Then I've got exhibits here from six
6 months later showing they never -- it never appeared
7 on my bill, and Mr. -- I can't --

8 MR. GOLDSTEIN: Parise.

9 JUDGE MORAN: Parise.

10 MR. JEROME LANE: -- Parise suggested that well,
11 why didn't I complain then? Well, I never received
12 the bill to complain.

13 MR. GOLDSTEIN: Well --

14 JUDGE MORAN: Okay. We're talking about two
15 different things. In terms of the appliances and
16 whatever losses were suffered there, I would suggest
17 that you do file the proper complaint.

18 And I would ask Mr. Parise or Mr.
19 Goldstein to give you the telephone number and
20 address. I mean, some specifics, so Mr. Lane is not
21 lost as to how to do that. Okay? I want to make
22 sure that you have the forms.

1 Now, if those forms limit you in some
2 way, I still would urge you to submit them. And then
3 if you have an explanation as to why you're doing
4 this later, and not doing it, then you can do that as
5 part of the appeal process.

6 I'm sure that --

7 MR. GOLDSTEIN: Well --

8 JUDGE MORAN: I'm sure that that process itself
9 has a -- layers built into it, which would allow for
10 appeal or further review. Okay.

11 MR. JEROME LANE: Excuse me. May I say
12 something?

13 JUDGE MORAN: Okay.

14 MR. JEROME LANE: Even when I submitted this
15 information, the Commerce Commission suggested I call
16 Commonwealth Edison after the complaint point, I
17 never received them.

18 JUDGE MORAN: Okay. Then I'm going to make
19 sure that --

20 MR. GOLDSTEIN: Mr. Parise will be happy to
21 provide those for you. I don't have the forms.

22 JUDGE MORAN: Okay. Mr. Parise, I will ask Com

1 Ed to do that.

2 MR. JOHN PARISE: I will take care of that,
3 your Honor.

4 JUDGE MORAN: Okay. You will be provided with
5 that information. That's one thing.

6 Now, in terms of the late bills; is
7 that what we're talking about? Or the failure to
8 bill or --

9 MR. GOLDSTEIN: Yes.

10 JUDGE MORAN: -- or failure to bill, I think.

11 MR. GOLDSTEIN: That, I believe is an issue
12 that has to go to evidentiary hearing.

13 JUDGE MORAN: Has to go to hearing. Okay. And
14 is there another issue? Those are the two issues?

15 MR. GOLDSTEIN: I believe so.

16 JUDGE MORAN: Okay. On the failure to bill,
17 we'll have to go to an evidentiary hearing. I will
18 expect parties will need any discovery? I mean are
19 there --

20 MR. GOLDSTEIN: If there is --

21 JUDGE MORAN: Is there any information that you
22 need from Mr. Lane? Mr. Lane, is there any

1 information that you would need from Com Ed in order
2 to make your case?

3 MR. JEROME LANE: I will submit a written
4 request for all the documents of the history of
5 Commonwealth Edison's power outages in my area
6 because we've had a history of them for over the past
7 10 years.

8 And the other information, I provided
9 to them.

10 MR. GOLDSTEIN: We're not going to provide
11 that, Judge.

12 JUDGE MORAN: Okay.

13 MR. GOLDSTEIN: That would just be too onerous.

14 You know, there is a certain reporting
15 procedure that Commonwealth Edison has to make to the
16 Commission with respect to outages.

17 JUDGE MORAN: Right.

18 MR. GOLDSTEIN: That's a public record.

19 Anything else would be, you know, far
20 too onerous with respect to Mr. Lane's complaint.

21 If Mr. Lane wants information about a
22 specific power outage that he claims occurred on

1 June 8, 2004, we will attempt to provide him
2 information with respect to that outage; if in fact,
3 there was one or a power surge or whatever occurred
4 that would affect his electric service, but as to
5 10 years worth of power outages --

6 JUDGE MORAN: Well --

7 MR. GOLDSTEIN: I think that's excessive --

8 JUDGE MORAN: Well, I mean --

9 MR. GOLDSTEIN: -- and it's outside the scope of
10 his complaint.

11 JUDGE MORAN: I think it's outside the scope of
12 his complaint both in terms of subject matter and in
13 terms of time. I mean, in and of itself, it's not a
14 feature of this complaint.

15 MR. GOLDSTEIN: If there is any other
16 information that Mr. Lane requests --

17 JUDGE MORAN: In terms of the June --

18 MR. GOLDSTEIN: I will attempt --

19 JUDGE MORAN: Yes.

20 MR. GOLDSTEIN: -- to provide it to him.

21 JUDGE MORAN: In terms of the June 8th outage,
22 I will allow that to be provided to Mr. Lane because

1 that bears directly somewhat on the matter of the
2 complaint.

3 Other information, in terms of that
4 billing period that you're talking about or that
5 you're complaining about. If you need that type of
6 information, then --

7 MR. GOLDSTEIN: He could make a request of me
8 and I will respond to it.

9 JUDGE MORAN: Yes. Yes. Just write it out.

10 MR. JOHN PARISE: Okay.

11 MR. GOLDSTEIN: I will be happy to respond to
12 it.

13 JUDGE MORAN: Keep a copy for yourself of
14 anything you write, send a copy to Mr. Goldstein.

15 Mr. Goldstein, did you need -- do you
16 have a card?

17 MR. GOLDSTEIN: Sure.

18 JUDGE MORAN: And then we're going to have to
19 set this matter for hearing.

20 MR. GOLDSTEIN: Yes.

21 JUDGE MORAN: June looks pretty booked for me.

22 MR. GOLDSTEIN: It's pretty booked for me too.

1 JUDGE MORAN: Okay. Good. Now, Mr. Lane, what
2 is a good time for you?

3 MR. JEROME LANE: You tell me what day you'll
4 set up, and I'll get off of work.

5 JUDGE MORAN: All right. Do you work days or
6 nights.

7 MR. JEROME LANE: I'm off on Mondays and
8 Tuesdays.

9 JUDGE MORAN: Oh, very good. Then we're going
10 to set it on a day you're not working. Okay.
11 Perfect.

12 Mr. Goldstein, start looking for a
13 date.

14 MR. GOLDSTEIN: 10th or 11th of July is fine.

15 JUDGE MORAN: Okay. How does that look for
16 you?

17 MR. JEROME LANE: As long as it's Monday or
18 Tuesday, it's fine.

19 JUDGE MORAN: How about you, Mr. Parise?

20 MR. JOHN PARISE: That's fine for me to.

21 JUDGE MORAN: Great. All right. Pick a date.
22 It's up to you --

1 MR. GOLDSTEIN: Monday or Tuesday?

2 MR. JEROME LANE: Monday is fine.

3 MR. GOLDSTEIN: Okay.

4 JUDGE MORAN: Okay.

5 MR. JEROME LANE: Is that the 11th?

6 JUDGE MORAN: That's the 10th.

7 MR. GOLDSTEIN: The 10th of July.

8 MR. JEROME LANE: The 10th of July?

9 MR. GOLDSTEIN: Yeah.

10 JUDGE MORAN: And is 10:00 o'clock good for

11 you?

12 MR. JEROME LANE: (Nodding.)

13 JUDGE MORAN: Okay. All right.

14 This matter is now set for evidentiary

15 hearing on July 10th at 10:00 a.m.; is there anything

16 further that we need to talk about?

17 MR. JOHN PARISE: Are we still off the record?

18 JUDGE MORAN: Oh, no. All of this is on the

19 record.

20 Do you want to go off the record?

21 MR. JOHN PARISE: I guess my question is how

22 much money of the \$1,400 is in dispute because I'd

1 like him to pay the balance.

2 JUDGE MORAN: Oh. Okay. What is the dispute
3 period?

4 MR. JEROME LANE: The dispute period is from
5 July of 2004 till February of 2005.

6 MR. GOLDSTEIN: Right.

7 JUDGE MORAN: Okay. And we're now in 2006.

8 MR. JEROME LANE: Yes.

9 JUDGE MORAN: And what is precisely your point,
10 Mr. Parise? That there's a certain amount --

11 MR. JOHN PARISE: Yeah. Right now he owes us
12 \$1,400.

13 JUDGE MORAN: Yes. Okay. All right.

14 MR. JOHN PARISE: 1450.33.

15 JUDGE MORAN: Okay. Based on that period?

16 MR. JOHN PARISE: No, it's the total open
17 balance on this account.

18 JUDGE MORAN: Okay. And so what is the --

19 MR. JOHN PARISE: The bill up through
20 February 4th of '04 is about 1,023.85.

21 JUDGE MORAN: Okay.

22 MR. JOHN PARISE: I think that difference is

1 approximately \$400.

2 JUDGE MORAN: Okay. So you're saying that
3 there's \$400 that's not in dispute and that Com Ed
4 would want payment on it?

5 MR. JOHN PARISE: Right.

6 MR. JEROME LANE: Let me understand it because
7 I'm also disputing the late fees and stuff because
8 they're charging me late fees for that also. That's
9 accumulative on there.

10 JUDGE MORAN: Okay.

11 MR. JEROME LANE: So is that part of that \$400?

12 JUDGE MORAN: Can you tell me that, Mr. Parise?

13 MR. JOHN PARISE: Yes, 241 is part of that 400.

14 JUDGE MORAN: I'm not clear. 240 is --

15 MR. JOHN PARISE: 41 is part of that 400, so I
16 guess if he's disputing the late charges too --

17 JUDGE MORAN: Right.

18 MR. JOHN PARISE: -- it's a \$159.

19 JUDGE MORAN: That he owes?

20 MR. JOHN PARISE: Right.

21 JUDGE MORAN: Okay. Can you make that payment?

22 MR. JEROME LANE: The hundred -- the late

1 charges?

2 JUDGE MORAN: No, this is not late charges.

3 He's subtracting now late charges and saying that the
4 balance that is not in dispute in any way is \$159.

5 Can you make that payment?

6 MR. JEROME LANE: I will make that payment.

7 JUDGE MORAN: Okay. Mr. Lane will make that
8 payment, so he's showing good faith here.

9 MR. JEROME LANE: You said it's \$159?

10 JUDGE MORAN: Yes.

11 MR. JOHN PARISE: And keep his bills current
12 while we're going through this process.

13 JUDGE MORAN: Yes.

14 MR. JEROME LANE: I have been keeping them
15 current.

16 JUDGE MORAN: Okay. All right. Then that
17 being resolved, I'm continuing this matter to July
18 10th at 10:00 a.m.

19 And I thank you all.

20 (Whereupon, the above-entitled
21 matter was continued to July
22 10th, 2006, at 10:00 a.m.)